

Arbitration Case #2

Date: 2004-5

Summary

A dispute between RIPE NCC and one of its members, LIR B, regarding the payment of the sign-up fee to re-open the membership after LIR B was closed as a result of non-payment of an invoice. To re-open as a member a sign-up of EUR 2,500 was due.

Details of Case

The RIPE NCC sends invoices with a payment term of 30 days. After this, the registry is in default. Once this happens, the RIPE NCC sends three reminders in monthly intervals.

After the third reminder, the service level of the registry is set to none and the reverse DNS for the LIR is removed. The third reminder specifically states that if the RIPE NCC does not receive the payment within 30 days, the registry will be closed down. After 120 days from date of the first invoice, the RIPE NCC starts closing the registry down and a sign-up fee is due to re-open the registry.

In the case of LIR B, the RIPE NCC sent out three reminders for an outstanding service-fee invoice. After 120 days had passed since the original invoice, the RIPE NCC began to close down the registry.

The RIPE NCC then received payment from LIR B for its outstanding invoices. However, LIR B declined to pay the sign-up fee of EUR 2,500. The case was sent to arbitration.

Arbitration Ruling

The Arbiter ruled that LIR B's payment of the original invoice, the late payment charge associated with the second reminder and 5% interest was sufficient for the matter to be settled and that LIR B did not need to pay the sign-up fee for their LIR to be re-opened.

The Arbiter noted that at reaching stage 3 of the closure process, the RIPE NCC failed to remove the reverse DNS for LIR B. Due to this omission, the Arbiter considered it was not appropriate for the RIPE NCC to proceed to stage 4 closure of LIR B and the imposition of a EUR 2,500 sign-up fee.